

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

ALPHONZA LEONARD PHILLIP	)	
THOMAS BEY,	)	
	)	
Plaintiff,	)	
	)	1:20CV365
v.	)	
	)	
THE STATE OF NORTH CAROLINA,	)	
et al,	)	
	)	
Defendants.	)	

**ORDER**

On October 13, 2020, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections (Doc. 6) within the time limit prescribed by Section 636.

The court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 4), which is affirmed and adopted.

Plaintiff also filed a Default Affidavit (Doc. 7) which appears to be a request for entry of default. However, Plaintiff's request to proceed *in forma pauperis* was denied, and his case was determined to be frivolous and failed to state a claim at screening under 28 U.S.C. § 1915A, so no response to the complaint was required. Therefore, his request for entry of default is DENIED.

IT IS THEREFORE ORDERED that that this action is DISMISSED pursuant to 28 U.S.C. § 1915A for being frivolous and for failing to state a claim upon which relief may be granted.

/s/ Thomas D. Schroeder  
United States District Judge

November 18, 2020